

10/511237

Rec'd

APR 28 2005

Docket No.: 066741-0043

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled RECOMBINING VIRAL VECTORS FOR THE TETRACYCLINE-REGULATED EXPRESSION OF GENES, the specification of which

- ☐ is attached hereto.  
☒ was filed on October 12, 2004 as United States Application Number 10/511,237, or PCT International Application Number PCT/EP03/03638 filed April 8, 2003 and was amended on (if applicable), or  
☐ is a Continuation-In-Part (CIP) of Application Number , filed

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56 including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's right certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's, or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications(s):**

Number	Country	Day/Month/Year filed	Priority Claimed
			<input type="checkbox"/>
			<input type="checkbox"/>

I hereby claim the benefit under 35 United States Code, Section 119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**

Application Number	Filing Date
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**Docket No.: 066741-0043**

I hereby claim the benefit under 35, United States Code, Section 120 of any United States application(s) or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35, United States Code, Section 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Application No.

Filing Date

Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the registered practitioners of McDermott Will & Emery LLP, included in the Customer Number provided below, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER 41552**

Send correspondence to the address associated with Customer Number 41552

McDERMOTT WILL & EMERY LLP  
4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122

Direct Telephone Calls to: Telephone 858.535.9001

Full name of sole or first inventor: Andreas Block

Inventor's signature: X

*Andreas Block*

Date: X 3/15/2005

Residence: Hamburg, Germany

*DE*

Citizenship: Germany

Post Office Address: Lokstedter Steindamm 80, 22529 Hamburg, Germany

10/511237

10/511237 2004

Docket No.: 066741-0043

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Block, Andreas  
Appl. No. : 10/511,237  
Filed : October 12, 2004  
Title : RECOMBINING VIRAL VECTORS  
FOR THE TETRACYCLINE-  
REGULATED EXPRESSION OF  
GENES

Customer No.: 41552  
Confirmation No.: To Be Assigned

Grp./A.U. : To Be Assigned  
Examiner: : To Be Assigned

**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee UNIVERSITATSKLINIKUM HAMBURG-EP-PENDORF, is the owner of the entire right, title and interest of the above-identified application, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

6 The undersigned Assignee hereby appoints the following attorney(s) and/or agent(s): Deborah L. Cadena, Reg. No. 44048; Cathryn A. Campbell, Reg. No. 31815; Andrea L. Gashler, Reg. No. 41029; David A. Gay, Reg. No. 39200; Matthew V. Grumbling, Reg. No. 44427; Astrid R. Spain, Reg. No. 47956 all of \_\_\_\_\_

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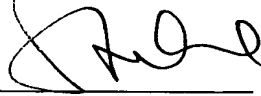
with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

10/511,237

The undersigned is authorized to sign on behalf of the Assignee.

Signature:

X



Name (typed):

X Prof. Dr. Rolf Stahl

Title:

X Dean

Assignee:

UNIVERSITÄTSKLINIKUM HAMBURG-EP-PENDORF

Date:

X 17 - MAR - 2005

**Universität Hamburg**

**Universitätsklinikum Hamburg-Eppendorf**

Fachbereich Medizin

- Dekan -

Martinistraße 52 · 20246 Hamburg

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Andreas BlockApplication No./Patent No: 10/511,237Filed/Issue Date: October 12, 2004Entitled: RECOMBINING VIRAL VECTORS FOR THE TETRACYCLINE-REGULATED EXPRESSION OF GENESUniversitätsklinikum Hamburg-Eppendorf, a German University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

X

X Prof. Dr. Rolf Stahl

Signature

X

Dean

Printed or Typed Name

Title

X

Date

17-MAR-2005

Telephone Number

**Universität Hamburg****Universitätsklinikum Hamburg-Eppendorf**

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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ASSIGNMENT

In consideration of the premises and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

Andreas Block

who has made a certain new and useful invention, hereby sells, assigns and transfers unto

UNIVERSITÄTSKLINIKUM HAMBURG-EPPENDORF

Martinistrasse 52

20246 Hamburg, Germany

its successors and assigns (hereinafter designated "ASSIGNEE") the entire right, title and interest for the United States of America as defined in 35 U.S.C. 100 in the invention entitled

RECOMBINING VIRAL VECTORS FOR THE TETRACYCLINE-REGULATED  
EXPRESSION OF GENES

- (a) for which an application for United States Letters Patent was filed on October 12, 2004, and identified by United States Application No. 10/511,237; or
- (b) for which an application for United States Letters Patent was executed on ,

and the undersigned hereby authorizes and requests the United States Commissioner for Patents and Trademarks to issue any and all United States Letters Patent which may be granted therefor and any and all extensions, divisions, reissues, continuations, or continuations-in-part thereof, and the right to all benefits under the International Convention for the Protection of Industrial Property to the said ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives; the undersigned agrees that the attorneys of record in said application shall hereafter act on behalf of said ASSIGNEE;


AND the undersigned hereby agrees to transfer a like interest, and to render all necessary assistance in making application for and obtaining original, divisional, reissued or extended Letters Patent of the United States, upon request of the said ASSIGNEE, its successors, assigns and legal representatives, and without further remuneration, in and to any improvements, and applications for patent based thereon, growing out of or related to the said invention; and to execute any papers by the said ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

SIGNED on the date indicated aside my signature:

INVENTOR

  
Andreas Block

DATE SIGNED

 3/15/2005